



Federal Register

**Monday,
December 13, 2004**

Part XLIV

Small Business Administration

Semiannual Regulatory Agenda

SMALL BUSINESS ADMINISTRATION (SBA)

SMALL BUSINESS ADMINISTRATION

13 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Semiannual regulatory agenda.

SUMMARY: The Regulatory Flexibility Act and Executive Order 12866 require each agency to publish semiannually an inventory of all current and projected rulemakings; a review of existing regulations, regulations expected to be developed during the next 12 months; and those regulations completed since the last publication of the agency's regulatory agenda (agenda). SBA is publishing this agenda to provide the public with notice about the Agency's regulatory activities and to provide specific information about those activities. This information will promote the public's participation in SBA's regulatory activities.

FOR FURTHER INFORMATION CONTACT: For additional information about specific regulatory actions listed in the agenda, you should direct your comments and inquiries to the appropriate agency contact identified in each entry. For general information about the agenda, you should direct your comments or inquiries to Martin "Sparky" Conrey,

Assistant General Counsel for Legislation and Appropriations, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416, (202) 619-0638.

SUPPLEMENTARY INFORMATION: This agenda announces the proposed regulatory actions that SBA plans for the next 12 months and those that were completed since the spring 2004 edition. Executive Order 12866 and the Regulatory Flexibility Act require the semiannual publication in the **Federal Register** of an agenda of regulations. As permitted by law, SBA is combining the publication of its agendas and conforming them to the Unified Agenda of Federal Regulatory and Deregulatory Actions format developed by the Regulatory Information Service Center.

SBA's agenda is grouped according to prerulemaking, proposed rules, final rules, and rulemaking actions completed since the spring 2004 agenda. The purpose of the agenda is to provide information to the public on regulations currently under review, being proposed, and regulations completed or withdrawn by SBA. The agenda is intended to facilitate comments and views by interested members of the public. SBA encourages public participation through www.regulations.gov by placing SBA rules on that website and encouraging the public to submit comments through

that medium. SBA also provides a link from www.sba.gov to the website.

Publication of proposed rulemaking actions in the agenda does not impose any obligation on SBA to take any final action with regard to any specific item. Furthermore, SBA is not precluded from rulemaking activities that are not listed in this agenda. The dates listed in the timetables for specific actions are estimates and are not commitments to act on or by the particular date. SBA's regulations promote statutory mandates and Presidential directives linked to SBA's goals to improve the economic environment for small business, increase small business success by bridging competitive opportunity gaps, restore homes and businesses affected by disaster, and to operate and manage SBA's programs and resources efficiently and effectively.

This edition of the agenda also includes SBA's regulatory plan. This plan contains the Agency's most important significant regulatory actions and appears in part II of this issue of the **Federal Register**. The regulatory plan entries are listed in the table of contents below and are denoted by a bracketed bold reference, which directs the reader to the appropriate sequence number in part II.

Hector V. Barreto,
Administrator.

Small Business Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3665	Surety Bond Guarantee	3245-AE13
3666	Small Business Size Standards; Selected Size Standards Issues	3245-AF22

Small Business Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3667	Small Business Lending Companies Regulations (Reg Plan Seq No. 146)	3245-AE14
3668	Small Business Investment Companies—Maximum Leverage Eligibility	3245-AE79
3669	Small Business Size Standards; Surety Bond Guarantee Program	3245-AE81
3670	Business Loans and Development Company Loans; Liquidation and Litigation Procedures	3245-AE83
3671	Surety Bond Guarantee Program—Procedural Changes for Payment of Fees	3245-AF10
3672	HUBZone Empowerment Contracting Program	3245-AF13
3673	Economic Injury Disaster Loans (EIDL)	3245-AF14
3674	Testimony and Production of Records; Office of Inspector General	3245-AF18
3675	Record Disclosure and Privacy/Subpart B-The Privacy Act	3245-AF20
3676	Proposed Small Business Innovation Research (SBIR) Policy Directive (Reg Plan Seq No. 147)	3245-AF21

SBA

Small Business Administration—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
3677	Premier Certified Lenders Program Proposed Rule	3245-AF23

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

Small Business Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3678	Administrative Wage Garnishment	3245-AE50
3679	Small Business Size Regulations; Small Business Innovation Research Program	3245-AE76
3680	Small Business Technology Transfer Program Policy Directive (Reg Plan Seq No. 148)	3245-AE96
3681	Size for Purposes of the Multiple Award Schedule and Other Multiple Award Contracts; Small Business Size Regulations; 8(a) Business Development/Small Disadvantaged Business Status Determinations	3245-AF06
3682	Small Business Government Contracting Programs (Reg Plan Seq No. 149)	3245-AF12
3683	Small Business Size Regulations: Government Contracting Programs	3245-AF16
3684	8(a) Business Development/Small Disadvantaged Business Status Determinations	3245-AF17
3685	Amendment to SBA's Regulations Regarding Administrative Offset	3245-AF19

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

Small Business Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3686	Small Business Development Centers (SBDC) Program Revisions	3245-AE05

Small Business Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3687	8(a) Business Development/Program Improvement	3245-AE38
3688	SDB Certification and Eligibility—Program Improvement	3245-AE47
3689	Small Business Investment Companies—Civil Penalties for Late Submission of Required Reports	3245-AE69
3690	Small Business Size Standards; New Car Dealers	3245-AF01
3691	Small Business Size Standards; Restructuring of Size Standards	3245-AF11
3692	Affiliation With Venture Capital Companies Under the Small Business Innovation Research Program	3245-AF15
3693	SBA Standards of Conduct	3245-AF24

Small Business Administration (SBA)**Prerule Stage****3665. SURETY BOND GUARANTEE**

Priority: Info./Admin./Other

Legal Authority: 5 USC app 3; 15 USC 687b; 15 USC 694b; PL 105-135; 15 USC 687c; 15 USC 694a

CFR Citation: 13 CFR 115

Legal Deadline: None

Abstract: SBA is considering revising the Preferred Surety Bond and the Prior Approval program regulations to

simplify the language, make the rule easier to understand, and clarify policy.

Timetable:

Action	Date	FR Cite
ANPRM	03/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Johnnie L. Albertson, AA, Office of Surety Guarantees, Small Business Administration, 409 Third Street SW, Washington, DC 20416
Phone: 202 205-6540

RIN: 3245-AE13

SBA

Prerule Stage

3666. • SMALL BUSINESS SIZE STANDARDS; SELECTED SIZE STANDARDS ISSUES**Priority:** Other Significant**Legal Authority:** 15 USC 632 (a); 15 USC 634 (b)(6); 15 USC 637 (a); 15 USC 644 (c); ...**CFR Citation:** Not Yet Determined**Legal Deadline:** None**Abstract:** This Advanced Notice of Proposed Rulemaking (ANPRM) seeks comments on a number of issues pertaining to SBA's size standards, such as areas to simplify size standards and alternative calculations of the employment size of businesses. These

comments will assist SBA with its examination on how it can restructure and simplify size standards. The ANPRM also seeks comment on the participation in the Small Business Innovation Research Program by businesses that are majority-owned by venture capital companies (VCC). Specifically, SBA seeks comment on whether the Agency should provide an exclusion from affiliation with VCCs in determining small business eligibility for this program.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** None

Agency Contact: Gary M. Jackson, AA/Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416
 Phone: 202 205-6618
 Fax: 202 205-6390
 Email: gary.jackson@sba.gov

RIN: 3245-AF22

Small Business Administration (SBA)

Proposed Rule Stage

3667. SMALL BUSINESS LENDING COMPANIES REGULATIONS**Regulatory Plan:** This entry is Seq. No. 146 in part II of this issue of the Federal Register.**RIN:** 3245-AE14

Phone: 202 205-6510
 Fax: 202 205-6959

RIN: 3245-AE79**3668. SMALL BUSINESS INVESTMENT COMPANIES—MAXIMUM LEVERAGE ELIGIBILITY****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 662; 15 USC 681 et seq; 15 USC 683; 15 USC 687(c); 15 USC 687b; 15 USC 687d; 15 USC 687g; 15 USC 687m**CFR Citation:** 13 CFR 107**Legal Deadline:** None**Abstract:** This rule will implement a provision of the New Markets Venture Capital Program Act of 2000 that allows small business investment companies to be eligible for additional Government leverage based on their investments in low-income areas.**Timetable:**

Action	Date	FR Cite
NPRM	09/00/05	

Regulatory Flexibility Analysis Required: Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None

Agency Contact: Jeffrey D. Pierson, Associate Administrator for Investment, Small Business Administration, 409 Third Street SW, Suite 6300, Washington, DC 20416

Abstract: This rule will revise the size standard applicable to construction and service companies seeking assistance under SBA's Surety Bond Guarantee Program. Changes in the program and economic trends support an increase above the current \$6 million size standard.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	

Regulatory Flexibility Analysis Required: Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None

Agency Contact: Gary M. Jackson, AA/Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416
 Phone: 202 205-6618
 Fax: 202 205-6390
 Email: gary.jackson@sba.gov

RIN: 3245-AE81**3670. BUSINESS LOANS AND DEVELOPMENT COMPANY LOANS; LIQUIDATION AND LITIGATION PROCEDURES****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 634(b)(6); 15 USC 636(a); 15 USC 636(h); 15 USC 697(a)(2); PL 106-554; ...**CFR Citation:** 13 CFR 120**Legal Deadline:** Final, Statutory, May 21, 2001, Small Business Reauthorization Act of 2000, enacted 12/21/2000, requires publication of rule.**Abstract:** This proposed rule would implement statutory provisions that give some Certified Development Companies (CDCs) authority to handle liquidation and litigation of loans that are funded with the proceeds of debentures guaranteed by the SBA under the 504 loan program. It also proposes uniform liquidation and litigation procedures for authorized CDCs and for lenders participating in the 7(a) business loan program.**Timetable:**

Action	Date	FR Cite
NPRM	03/00/05	

Regulatory Flexibility Analysis Required: Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None

Agency Contact: Walter C. Intlekofer, Director, Portfolio Management Division, Small Business

SBA

Proposed Rule Stage

Administration, 409 Third Street SW,
Washington, DC 20416
Phone: 202 205-7543
Email: walter.intlekofer@sba.gov

RIN: 3245-AE83

3671. SURETY BOND GUARANTEE PROGRAM—PROCEDURAL CHANGES FOR PAYMENT OF FEES

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC app 3; 15 USC 687(b); 15 USC 694(b); 15 USC 687(c); 15 USC 694 (a); PL 105-135

CFR Citation: 13 CFR 115

Legal Deadline: None

Abstract: SBA is revising its Surety Bond Guarantee Program regulations to change the procedures for the payment of the Principal's and the Surety's fees. Currently, the Principal pays its fee to SBA directly, but the proposed regulations would require the Surety to pay the Principal's fee to SBA. An additional change would require the Surety to pay SBA its fee within a specified timeframe.

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Johnnie L. Albertson, AA, Office of Surety Guarantees, Small Business Administration, 409 Third Street SW, Washington, DC 20416
Phone: 202 205-6540

RIN: 3245-AF10

3672. HUBZONE EMPOWERMENT CONTRACTING PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 657(a)

CFR Citation: 13 CFR 126

Legal Deadline: None

Abstract: This Advanced Notice of Proposed Rulemaking is requesting comments regarding the HUBZone Program and agricultural commodities purchased by the U.S. Department of Agriculture (USDA). According to the Small Business Act, in the case of a contract for the procurement by the USDA of agricultural commodities, a qualified HUBZone SBC may not

purchase the commodity from a subcontractor if the subcontractor will supply the commodity in substantially the final form in which it is to be supplied to the Government. SBA is seeking comments on how to define "substantially the final form" with respect to this statutory requirement. Additionally, SBA is requesting comments on the implementation of a statutory provision regarding HUBZone set-asides and the definition of "employee."

Timetable:

Action	Date	FR Cite
ANPRM	05/13/04	69 FR 26511
ANPRM Comment Period End	07/12/04	
NPRM	01/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Michael P. McHale, Associate Administrator for HUBZone Empowerment Contracting Program, Small Business Administration, 409 Third Street SW, Washington, DC 20416
Phone: 202 205-6731

RIN: 3245-AF13

3673. ECONOMIC INJURY DISASTER LOANS (EIDL)

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 15 USC 634(b)(6); 15 USC 636(b); 15 USC 636(c); 15 USC 636(f); PL 102-395, 106 Stat 1828; PL 103-75, 107 Stat 739

CFR Citation: 13 CFR 123

Legal Deadline: None

Abstract: SBA is amending its disaster loan rules to ensure that when a small business entity is engaged in both agricultural and non-agricultural business ventures, SBA can provide economic injury disaster loans (EIDL) to the non-agricultural business that has been economically hurt by fires, floods, or other disasters.

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Cheri L. Cannon, Deputy AA for Office of Disaster Assistance, Small Business Administration, 409 Third Street SW, Washington, DC 20416
Phone: 202 205-6734

RIN: 3245-AF14

3674. TESTIMONY AND PRODUCTION OF RECORDS; OFFICE OF INSPECTOR GENERAL

Priority: Info./Admin./Other

Legal Authority: Not Yet Determined

CFR Citation: None

Legal Deadline: None

Abstract: This proposed rule would implement the requirements for testimony, documents, or other information or subpoenas issued to SBA or SBA employees and for SBA responses to the requests or subpoenas in proceedings where SBA or the United States is not a party.

Timetable:

Action	Date	FR Cite
NPRM	01/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Agency Contact: Cherry W. Tolliver, Assistant Counsel to the Inspector General, Office of Inspector General, Counsel Division, Small Business Administration, 409 3rd Street SW, Washington, DC 20416
Phone: 202 205-7200
Fax: 202-205-7127

RIN: 3245-AF18

3675. • RECORD DISCLOSURE AND PRIVACY/SUBPART B—THE PRIVACY ACT

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 552a

CFR Citation: 13 CFR 102

Legal Deadline: None

Abstract: This rule will revise the Small Business Administration's Privacy Act regulations to include language and guidance pertaining to Privacy Impact Assessment Statements.

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

SBA

Proposed Rule Stage

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Lisa Babcock, Chief, Freedom of Information Act Office, Small Business Administration, Room 2441, 409 Third Street SW, Washington, DC 20416

Phone: 202 401-8200

Fax: 202 205-7059

Email: lisa.babcock@sba.gov

RIN: 3245-AF20**3676. • PROPOSED SMALL BUSINESS INNOVATION RESEARCH (SBIR) POLICY DIRECTIVE****Regulatory Plan:** This entry is Seq. No. 147 in part II of this issue of the **Federal Register**.**RIN:** 3245-AF21**3677. • PREMIER CERTIFIED LENDERS PROGRAM PROPOSED RULE****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** PL 108-232**CFR Citation:** 13 CFR 120**Legal Deadline:** Final, Statutory, July 12, 2004, PCLP Improvement Act of 2003, enacted 5/28/2004, requires publication of rule.**Abstract:** The U.S. Small Business Administration ("SBA" or "Administration") proposes to amend its Premier Certified Lenders Program (PCLP) in accordance with recent statutory amendments to the PCLP. Certified Development Companies (CDCs) participating in the PCLP receive increased authority in connection with making and servicing loans made under SBA's Development Company Loan Program ("504 Loans"). One PCLP requirement relates to a loan loss reserve fund ("LLRF"), which a CDC participating in the PCL ("PCLP CDC") must maintain to cover losses it may incur in connection with 504 loans made under the PCLP ("PCLP loans"). Recent statutory changes to the PCLP have amended PCLP LLRF requirements, most significantly by establishing an alternative set of PCLP LLRF requirements ("Alternative LLRF Requirements") and authorizing certain qualified PCLP CDCs to elect to meet the Alternative LLRF Requirements in

lieu of the existing LLRF requirements which would otherwise be applicable. These statutory amendments have been introduced as "pilot" programs, which are initially scheduled to last approximately 2 years. (All PCLP CDCs will still be required to meet existing LLRF requirements unless it is qualified to elect to meet the Alternative LLRF Requirements and properly makes that election and satisfies the alternative requirements.) The proposed regulations would implement the statutory amendments to the PCLP LLRF requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** None**Agency Contact:** Charles Thomas, Director, Program Development, Small Business Administration, Office of Financial Assistance, 409 Third Street SW, 8th Floor, Washington, DC 20416
Phone: 202 205-6656**RIN:** 3245-AF23

Small Business Administration (SBA)

Final Rule Stage

3678. ADMINISTRATIVE WAGE GARNISHMENT**Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 504; 15 USC 632; 15 USC 634(b)(6); 15 USC 637(a); 31 USC 3711; 31 USC 3720; 31 USC 3716**CFR Citation:** 13 CFR 134; 13 CFR 140**Legal Deadline:** None**Abstract:** SBA is issuing a rule adopting administrative wage garnishment regulations to implement the Debt Collection Improvement Act of 1996. The rule will allow SBA to garnish the wages of a person indebted to the United States for any non-tax debt without first obtaining a judgment. The debtor generally will be entitled to a hearing before a Judge assigned to SBA's Office of Hearings and Appeals.**Timetable:**

Action	Date	FR Cite
NPRM	06/27/00	65 FR 39567

Action	Date	FR Cite
NPRM Comment Period End	08/28/00	
Direct Final Rule	11/00/04	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal**Agency Contact:** Walter C. Intlekofer, Director, Portfolio Management Division, Small Business Administration, 409 Third Street SW, Washington, DC 20416
Phone: 202 205-7543
Email: walter.intlekofer@sba.gov**RIN:** 3245-AE50**3679. SMALL BUSINESS SIZE REGULATIONS; SMALL BUSINESS INNOVATION RESEARCH PROGRAM****Priority:** Other Significant**Legal Authority:** 15 USC 632(a)**CFR Citation:** 13 CFR 121**Legal Deadline:** None**Abstract:** This rule will allow wholly owned subsidiaries to be eligible for Small Business Innovation Research funding agreements. Current regulations limit the eligibility of the program to businesses owned by individuals.**Timetable:**

Action	Date	FR Cite
NPRM	06/04/03	68 FR 33142
NPRM Comment Period End	07/07/03	
Final Action	11/00/04	

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Gary M. Jackson, AA/Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416
Phone: 202 205-6618
Fax: 202 205-6390
Email: gary.jackson@sba.gov**RIN:** 3245-AE76

SBA

Final Rule Stage

3680. SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM POLICY DIRECTIVE

Regulatory Plan: This entry is Seq. No. 148 in part II of this issue of the Federal Register.

RIN: 3245-AE96

3681. SIZE FOR PURPOSES OF THE MULTIPLE AWARD SCHEDULE AND OTHER MULTIPLE AWARD CONTRACTS; SMALL BUSINESS SIZE REGULATIONS; 8(A) BUSINESS DEVELOPMENT/SMALL DISADVANTAGED BUSINESS STATUS DETERMINATIONS

Priority: Other Significant

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: This rule will amend SBA's small business size regulations as it relates to the General Services Administration's Multiple Award Schedule Program, including the Federal Supply Schedule and multiple award contracts, including Governmentwide Acquisition Contracts.

Timetable:

Action	Date	FR Cite
NPRM	04/25/03	68 FR 20350
NPRM Comment Period End	06/24/03	
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Dean Robert Koppel, Assistant Administrator, Policy and Research, Small Business Administration, 409 Third Street SW, Washington, DC 20416
Phone: 202 205-7322
Email: dean.koppel@sba.gov

RIN: 3245-AF06

3682. SMALL BUSINESS GOVERNMENT CONTRACTING PROGRAMS

Regulatory Plan: This entry is Seq. No. 149 in part II of this issue of the Federal Register.

RIN: 3245-AF12

3683. SMALL BUSINESS SIZE REGULATIONS: GOVERNMENT CONTRACTING PROGRAMS

Priority: Other Significant. Major under 5 USC 801.

Legal Authority: PL 108-183 sec 308

CFR Citation: 13 CFR 121; 13 CFR 125

Legal Deadline: None

Abstract: SBA intends to issue a final rule implementing procurement guidelines resulting from Public Law 108-183 "Veteran Benefit Act of 2003." This program is currently operating under an interim final rule. Section 308 of the Act redesignated section 36 of the Small Business Act (15 U.S.C. 631 et seq.) "Procurement Program for Small Business Concerns Owned and Controlled by Service-Disabled Veterans." Under this new program, Federal contracting officials have the discretionary authority to award sole source contracts limited to contracts of up to \$5 million for manufacturing and \$3 million for non-manufacturing to small business concerns owned and controlled by service-disabled veterans.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/05/04	69 FR 25262
Interim Final Rule Comment Period End	07/06/04	
Final Action	11/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Dean Robert Koppel, Assistant Administrator, Policy and Research, Small Business Administration, 409 Third Street SW, Washington, DC 20416
Phone: 202 205-7322
Email: dean.koppel@sba.gov

RIN: 3245-AF16

3684. 8(A) BUSINESS DEVELOPMENT/SMALL DISADVANTAGED BUSINESS STATUS DETERMINATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 636; 15 USC 637

CFR Citation: 13 CFR 124

Legal Deadline: None

Abstract: The purpose of this direct final rule change in title 13 CFR part

124 is to clarify the Small Business Administration's (SBA or Agency) requirements for concerns or individuals filing on behalf of businesses, who are applying for 8(a) Business Development (8(a)BD) Program participation or Small Disadvantaged Business (SDB) certification either in hard copy or electronically (via the Internet). This change will facilitate the use of SBA's electronic application for the 8(a) BD Program and SDB certification, while providing the means for SBA to acquire validating documentation in support of the electronic application.

Timetable:

Action	Date	FR Cite
Direct Final Rule	03/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Albert Stubblefield, Acting Associate Administrator for Business Development, Small Business Administration, 409 3rd Street SW, Washington, DC 20416
Phone: 202 619-0628

RIN: 3245-AF17

3685. AMENDMENT TO SBA'S REGULATIONS REGARDING ADMINISTRATIVE OFFSET

Priority: Info./Admin./Other

Legal Authority: Not Yet Determined

CFR Citation: None

Legal Deadline: None

Abstract: SBA intends to amend its regulations to include references to administrative offset and other remedies that the Treasury Department may use on behalf of SBA to collect debt pursuant to the Debt Collection Improvement Act of 1996. Publication of this regulatory change is required to comply with Treasury directive.

Timetable:

Action	Date	FR Cite
NPRM	01/22/99	64 FR 3454
NPRM Comment Period End	02/22/99	
Final Action	03/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

SBA

Final Rule Stage

Agency Contact: Walter C. Intlekofer,
Director, Portfolio Management
Division, Small Business

Administration, 409 Third Street SW,
Washington, DC 20416
Phone: 202 205-7543

Email: walter.intlekofer@sba.gov

RIN: 3245-AF19

Small Business Administration (SBA)

Long-Term Actions

3686. SMALL BUSINESS DEVELOPMENT CENTERS (SBDC) PROGRAM REVISIONS

Priority: Other Significant

CFR Citation: 13 CFR 130

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis
Required:** Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Antonio Doss
Phone: 202 205-6766

RIN: 3245-AE05

Small Business Administration (SBA)

Completed Actions

3687. 8(A) BUSINESS DEVELOPMENT/PROGRAM IMPROVEMENT

Priority: Other Significant

CFR Citation: 13 CFR 124

Completed:

Reason	Date	FR Cite
Withdrawn	09/01/04	

**Regulatory Flexibility Analysis
Required:** Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Albert Stubblefield
Phone: 202 619-0628

RIN: 3245-AE38

Completed:

Reason	Date	FR Cite
Withdrawn	08/16/04	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Jeffrey D. Pierson
Phone: 202 205-6510
Fax: 202 205-6959

RIN: 3245-AE69

3690. SMALL BUSINESS SIZE STANDARDS; NEW CAR DEALERS

Priority: Other Significant

CFR Citation: 13 CFR 121

Completed:

Reason	Date	FR Cite
Withdrawn	03/19/04	

**Regulatory Flexibility Analysis
Required:** Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Gary M. Jackson
Phone: 202 205-6618
Fax: 202 205-6390
Email: gary.jackson@sba.gov

RIN: 3245-AF01

3691. SMALL BUSINESS SIZE STANDARDS; RESTRUCTURING OF SIZE STANDARDS

Priority: Other Significant

CFR Citation: 13 CFR 121

Completed:

Reason	Date	FR Cite
NPRM	03/19/04	69 FR 13130

Reason	Date	FR Cite
NPRM Comment Period End	05/18/04	
Comment Period Extended	07/02/04	69 FR 27865
Withdrawn	07/01/04	69 FR 39874

**Regulatory Flexibility Analysis
Required:** Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Gary M. Jackson
Phone: 202 205-6618
Fax: 202 205-6390
Email: gary.jackson@sba.gov

RIN: 3245-AF11

3692. AFFILIATION WITH VENTURE CAPITAL COMPANIES UNDER THE SMALL BUSINESS INNOVATION RESEARCH PROGRAM

Priority: Other Significant. Major status
under 5 USC 801 is undetermined.

CFR Citation: 13 CFR 121.702

Completed:

Reason	Date	FR Cite
Withdrawn	07/29/04	

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: None

Agency Contact: Edsel Brown
Phone: 202 205-6450
Email: edsel.brown@sba.gov

RIN: 3245-AF15

3689. SMALL BUSINESS INVESTMENT COMPANIES—CIVIL PENALTIES FOR LATE SUBMISSION OF REQUIRED REPORTS

Priority: Substantive, Nonsignificant

CFR Citation: 13 CFR 107

SBA

Completed Actions

3693. • SBA STANDARDS OF CONDUCT**Priority:** Info./Admin./Other**Legal Authority:** 5 USC 7301; 15 USC 634, 637(a)(18) and (a)(19), 642, and 645(a)**CFR Citation:** 13 CFR 105**Legal Deadline:** None

Abstract: The purpose of this direct final rule is to make technical corrections to SBA regulations governing employee standards of conduct by deleting two references to Supplemental Standards of Ethical Conduct and revising a cross-reference to a regulatory heading in the Office of Government Ethics (OGE) regulations. SBA employees are required to conform to the OGE regulations, SBA standards of conduct regulations, and supplemental Agency

regulations, if any. SBA issued standards of conduct regulations based on its independent authority under the Small Business Act and Executive Order 11222. Although OGE regulations permit SBA to issue supplemental agency regulations, which the Agency determines are necessary and appropriate in review of its programs and operations, such supplemental regulations have never been issued. Because SBA has not issued discretionary supplemental regulations, we intend to delete the two references to Supplemental Standards of Ethical conduct that appear in the SBA regulations. Also, because SBA incorrectly refers to a regulatory heading when cross-referencing a part in the OGE regulations, we intend to revise the heading. The effect of the deletion and revision will be to make 13 CFR part 105 an accurate statement

of existing authorities applicable to SBA employees.

Timetable:

Action	Date	FR Cite
Direct Final Rule	11/03/04	69 FR 63921

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

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